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9                   UNITED STATES PATENT AND TRADEMARK OFFICE  
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1112                   BEFORE THE BOARD OF PATENT APPEALS  
13                   AND INTERFERENCES  
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16                   **MERI EDELMAN,**  
17                   AVIHAI PERL, MOSHE FLAISHMAN, and  
18                   AMNON BLUMENTHAL,  
19                   Junior Party

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21                   (Application 09/529,172),  
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23                   v.  
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25                   ANNE-MARIE **STOMP**, and  
26                   NIRMALA RAJBHANDARI,  
27                   Senior Party  
28                   (Patent 6,040,498).  
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32                   Patent Interference No. 105,261  
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36                   Before Delmendo, Lane, and Moore, Administrative Patent Judges.  
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38                   Lane, Administrative Patent Judge.  
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40                   **Judgment - Request for Adverse - Bd.R. 127(b)**  
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42                   Edelman has filed a request for adverse judgment as to the contested subject

1 matter. (Paper 43, Request).<sup>1</sup>

2       Upon consideration of the record and for reasons given, it is

3           ORDERED that judgment on priority as to Count 2, the sole count of the  
4 interference, is entered against junior party MERI EDELMAN, AVIHAI PERL, MOSHE  
5 FLAISHMAN, and AMNON BLUMENTHAL;

6           FURTHER ORDERED that junior party MERI EDELMAN, AVIHAI PERL,  
7 MOSHE FLAISHMAN, and AMNON BLUMENTHAL is not entitled to a patent  
8 containing claims 1-8,<sup>2</sup> 12-18, 23-30, 32, 36, 54-58, and 65-71, which claims  
9 correspond to Count 2;<sup>3</sup>

10          FURTHER ORDERED that, if there is a settlement agreement, the parties  
11 are directed to 35 USC 135(b) and Bd.R. 205;

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<sup>1</sup>       Edelman filed the Request with its motion to redefine the interfering subject matter by substituting Count 2 for Count 1. (Paper 44). Since that motion was granted, Edelman's request is directed toward the subject matter of Count 2 and the claims that correspond to Count 2.

<sup>2</sup>       The examiner has indicated that claim 3 is not patentable to Edelman on another basis as well (See Form 850, attached to Paper 1).

<sup>3</sup>       See the Redeclaration (Paper 52).

1 FURTHER ORDERED that a copy of this judgment shall be entered into  
2 the administrative records of Edelman's 09/529,172 application and Stomp's 6,040,498  
3 patent.

/Romulo H. Delmendo/ )  
Administrative Patent Judge )  
                              ) BOARD OF PATENT  
/Sally Gardner Lane/ ) APPEALS AND  
Administrative Patent Judge ) INTERFERENCES  
                              )  
/James T. Moore/ )  
Administrative Patent Judge )

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